

**CASE NO. 9-06-07**

Project Name: Hoops Grill and Sports Bar

Location: 6729 Strawberry Lane  
40214

Owner(s): Self Properties, LLC

Applicant: Self Properties, LLC  
Rodger D. Self, Manager  
7413 York River Road  
Louisville, KY 40214

Representative: Paul Whitty  
Greenbaum Doll & McDonald, PLLC  
3500 National City Tower  
Louisville, KY 40202

Engineer: Richard W. Moore  
R.W. Moore Consulting Engineers, PSC  
10213 Linn Station Road, Suite 3  
Louisville, KY 40223

Project Size/Area: 27,296 square feet

Jurisdiction: Louisville Metro

Council District: 21 – Dan Johnson

**Staff Case Manager: Jon E. Crumby, Planner II**

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Development Services offices, 900 Fiscal Court Building.)

**SUMMARY OF STAFF PRESENTATION:**

04:35:36: The request is to change the zoning from C-1 Commercial to C-2 Commercial to allow outdoor dining.

Jon Crumbie presented the case using a Power Point presentation showing maps of the site and included photos of the location. Issues from the LD&T meeting were addressed including concerns regarding pedestrian access and a revision was added to the plan to accommodate this issue.

**The following spoke in favor of this request:**

Paul Whitty  
Greenbaum Doll & McDonald, PLLC  
3500 National City Tower  
Louisville, KY 40202

**The following spoke in opposition:**

No one spoke.

**SUMMARY OF TESTIMONY OF PROPONENTS:**

04:38:33: Paul Whitty the applicant's representative presented his case using a PowerPoint presentation showing the site plan and photos of the property. Outdoor dining is requested and C-2 is requested allowing indoor entertainment availability. The parking lot, signage and landscaping were discussed and no changes in these are expected. Screenscape activity and pedestrian access are an asset. Binding elements were proposed as a result of neighborhood meetings, stating that outdoor service will be terminated at 11pm, dumpsters will be serviced between 7am and 10am. Commercial radio promotions will be moved indoors in order to be less disruptive to neighbors. It was agreed that containers on the patio would be sufficient to help meet landscaping concerns.

*Paul Whitty presented his Summary of Testimony and Findings of Fact and can be found in the case file.*

**SUMMARY OF TESTIMONY OF OPPONENTS:**

No one spoke.

**REBUTTAL:**

No one spoke.

**BUSINESS SESSION:**

In a business session subsequent to the public hearing on this request, the Commission took the following action.

4:45:40 The Planning Commission discussed the proposal in business session. The discussion included outdoor dining and rezoning. Entertainment was discussed within the realm of C-1 and C-2 zoning standards.

4:49:08 A motion was made by Commissioner Carlson, to recommend approval of the request from C-1 to C-2, because the proposed use is more

appropriate than the existing use; to accept the proposed findings of fact. The recommendation is based on the testimony heard today as well as the staff report.

**The vote was as follows:**

**YES: Commissioners, Carlson, Hamilton and Fleischaker.**

**NO: No One.**

**NOT PRESENT FOR THIS CASE: Commissioners, Storm, Wells-Hatfield and Blake.**

**ABSTAINING: No one.**

04:50:15 A motion was made by Commissioner Carlson to amend the previous motion and add that the appropriate use referred to in the said previous motion be “for the purposes of outdoor dining and inside entertainment”. Now therefore be it:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative council of the Louisville/Jefferson County Metro Government that the change in zoning **from C-1 to C-2** on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners, Carlson, Hamilton and Fleischaker, Howard, Queenan, Ernst and Abstain.**

**NO: No One.**

**NOT PRESENT FOR THIS CASE: Commissioners, Storm, Wells-Hatfield and Blake.**

**ABSTAINING: No one.**

04:50:30 A motion was made by Commissioner Carlson to approve the revised development plan based on the staff report and the testimony heard today and that a finding be made that it is in compliance with the Land Development Code and to include a binding element to consider some planting. Now therefore be it:

**RESOLVED**, That the Louisville and Jefferson County Planning Commission does hereby **APPROVE** the district development plan **SUBJECT** to the following binding elements:

**The vote was as follows:**

**YES: Commissioners, Carlson, Hamilton and Fleischaker, Howard, Queenan, Ernst and Abstain.**

**NO: No one.**

**NOT PRESENT FOR THIS CASE:** Commissioners, Storm, Wells-Hatfield and Blake.  
**ABSTAINING:** No one.

**Binding Elements - Docket #9-06-07**

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. **The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.**
3. Outdoor service shall be shut down at 11:00 p.m.
4. Dumpsters shall be serviced only between the hours of 7:00 a.m. and 10:00 a.m.
5. All commercial radio promotions shall be conducted indoors.
6. The materials and the design of any proposed and/or existing structures/signage shall be substantially the same as depicted in the renderings presented at the June 7, 2007, Planning Commission meeting.